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RUEHGV/USMISSION GENEVA 2478
RUEHNE/AMEMBASSY NEW DELHI 1606
RUEHKA/AMEMBASSY DHAKA 0567
RUEHIL/AMEMBASSY ISLAMABAD 7554
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STATE FOR SCA/INS AND DRL/IL FOR TU DANG
DOL/ILAB FOR TINA MCCARTER

E.O 12958: N/A

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SUBJECT: SRI LANKA: WORST FORMS OF CHILD LABOR UPDATE - NOV 2007

REF: A) STATE 149662 B) 06 COLOMBO 2072

¶1. As requested by Ref A, below is an update of the worst forms of child labor information for Sri Lanka.

Child Labor Legislation

¶2. Sri Lanka ratified International Labor Organization (ILO) Convention 138 on Minimum Age for Employment on November 2, 2000, and ILO Convention 182 on Worst Forms of Child Labor on January 3, 2001. The conventions define a child as a person under 18 years old. Under the Employment of Women, Young Persons and Children Act of 1956, the minimum age for employment in Sri Lanka is 14 years. Under the Act, children may be employed in family-run agricultural enterprises or as part of technical training activities. Children, however, cannot work during school hours. The law limits the work hours of young people between 14 to 16 years to 9 hours per day, and the work hours of young people ages 17 and 18 years to 10 hours per day. Penalties for violation of the law are a fine of Sri Lankan Rupees (Rs) 10,000 (approximately USD 90), or imprisonment of up to 12 months, or both; and payment of compensation as decided by courts.

¶3. Worst forms of child labor: Sri Lanka has ratified ILO Convention 182 on Worst Forms of Child Labor. The Penal Code contains provisions prohibiting several forms of abuse against children, including child pornography, prostitution and trafficking.

The government amended the Penal Code in 2006 to strengthen the laws against child abuse and child labor in compliance with sections 3A, 3B and 3C of the ILO Convention 182 on Worst Forms of Child Labor. The amendment prohibits the use or recruitment of children (below 18 years) in armed conflict. It also prohibits forced labor, debt bondage, and slavery in Sri Lanka. The amendment aims to prevent sexual abuse of children via the internet as well as the soliciting of children for sexual abuse. In addition, it expands the definition of trafficking to conform to international standards.

A jail term of up to 20 years and a fine is prescribed for these offenses covered by the Penal Code. If the victim is under 18 years, the jail term may be increased to 30 years. The Penal Code amendment gives effect to Sri Lanka's obligations to the following ILO/UN Conventions: The Slavery Convention; The Convention Concerning Forced or Compulsory Labor; The Supplementary Convention on the Abolition of Slavery; the Slave Trade and Institutions and Practices Similar to Slavery; and The Convention on the Elimination of Worst Forms of Child Labor.

¶4. In August 2006, the Parliament passed an amendment to the

Employment of Women, Young Persons and Children Act of 1956, that enables the Minister of Labor to publish regulations that prohibit the employment of persons below the age of 18 years in hazardous occupations. Pursuant to section 3D and article 4 of ILO Convention 182 on the Worst Forms of Child Labor, the Government of Sri Lanka compiled a list of 49 occupations in Sri Lanka that are considered to be hazardous forms of child labor. Forty occupations are unconditional and are to be completely prohibited for children aged 14-18 years, while the remaining nine occupations will be conditionally prohibited upon the publication of the relevant regulation. Penalties for violation of the law are a fine of Rs 10,000 (approximately USD 90), or imprisonment of up to 12 months, or both; and payment of compensation as decided by courts.

Child Labor Law Enforcement

15. Enforcement Statistics: The following table presents data on child labor complaints made to government agencies.

Year	Dept of Labor(a) Complaints	NCPA(b) Prosecutions	Police (c) Complaints	Complaints
2000	194	7	184	-
2001	255	42	276	-
2002	161	26	386	-
2003	203	44	179	-
2004	147	48	409	-
2005	105	NA	315	-
2006	161	18	618	26
2007 Jan-June	52	8	NA	31

Sources: Department Of Labor, NCPA, Sri Lanka Police

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NA: not available

(a) Employment of children below 14 years

(b) National Child Protection Authority (NCPA) receives complaints on all forms of abuse against children below 18 years. Most of the complaints concern sexual abuse, including child prostitution. In 2006, there were 69 complaints against employment of children below 14 years as domestic workers. All other complaints were regarding child abuse, cruelty and trafficking of children below 18 years.

(c) Number of complaints on child domestic workers, below 14 years, received by the Children and Women Division of Sri Lanka Police.

16. The National Child Protection Agency's cyber watch is responsible for combating child pornography and pedophilia via the internet. Since 2001, the unit has cracked down on foreign pedophiles operating in Sri Lanka. As of mid-2006, however, the efficiency of the cyber watch unit has seriously eroded due to insufficient funding. Statistics on the cyber watch unit's activities are below. Data in the parentheses indicate the number of foreign suspects.

--	No of investigations	No of arrests
2002	45 (17)	7 (4)
2003	40 (10)	2 (0)
2004	25 (7)	2 (2)
2005	43 (15)	2 (0)
2006	30 (15)	0 (0)

Source: National Child Protection Agency

Government Policies and Programs to Prevent Child Labor

17. The Ministry of Child Development and Women's Empowerment was established in November 2005. Under this Ministry is The National Child Protection Authority (NCPA) -- the primary agency tasked with the protection of children from child labor, abuse and exploitation.

The NCPA was less active in the last two years due to management changes and insufficient funding, and is currently being reorganized

under a new chairperson and a new board of directors.

¶18. The Ministry of Labor is responsible for enforcing child labor laws. It employs over 400 labor inspectors who are responsible for enforcing labor laws in the country. The Women's and Children's affairs division of the Ministry of Labor conducted eight training programs in 2007, to improve the enforcement capacity of those responsible for combating child labor. The program trained about 240 labor, police and probation officers. In addition, the Ministry conducted approximately 150 awareness programs for school children, parents, and social partners in the villages such as health workers, teachers and government and non governmental organization officials.

¶19. The Government of Sri Lanka continues to demonstrate a strong commitment to education, and strives to eliminate child labor through education. The government provides free education as well as free school textbooks, uniforms and subsidized transport. The government also offers free breakfasts to over 500,000 school children from low income families. Schooling is mandatory for all children aged 6 to 14 years. According to unpublished data from the Ministry of Education, net primary school enrollment in Sri Lanka was 89 percent and primary completion rate was 90 percent in 2005. The government now faces the challenges of expanding equitable access to post-primary education and establishing a high quality education system. To respond to these challenges, the government developed an overarching Education Sector Development Framework and Program (ESDFP) in 2006. Although not explicitly stated, child labor will be discouraged through a key component of the project which aims to promote school attendance and informal education by activating school attendance committees and expanding informal education centers, upgrading the school network in rural and estate regions (key areas/sources of child labor), and offering special education programs for children with special learning needs. The ESDFP will be revised on a rolling 5-year basis with the latest program covering 2007-2011. All donor assistance for the education sector is channeled through the ESDFP. The World Bank is supporting the ESDFP with grant funds of USD 60 million for the period 2006-2010. In addition, the Asian Development Bank is finalizing a USD 80 million loan in support of ESDFP. The government is also

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working with UNICEF and ILO to eliminate child labor by improving access to education and the quality of both formal and informal education.

Vulnerable Sectors

¶10. Children of plantation workers are at a high risk of becoming victims of child labor, as plantations traditionally employ child laborers. The Ministry of Education has a program to improve education for children of plantation workers. There are 819 schools in the plantation sector whose primary medium of instruction is in Tamil. The government has recruited over 3,100 teachers to plantation schools in 2007, filling most of the teacher vacancies in the primary and lower secondary sections. The Ministry reports difficulties in finding suitable candidates to teach English, science, and math in the upper secondary classes.

¶11. In January 2008, the ILO's International Program on the Elimination of Child Labor (IPEC) will commence youth employment projects in Sabaragamuwa province, an area with many tea and rubber plantations. The ILO is collaborating with district level government officials and various central government ministries charged with vocational training and youth affairs. The project aims to strengthen the employability of plantation youth by providing training in plantation-related skills, life skills and entrepreneurship. Plantations Human Development Trust (PHDT), a semi-government company is working with plantation management companies, provincial councils, Department of Child Care and Probation (under the Ministry of Child Development and Women's Empowerment) and donor agencies on various programs aimed at reducing child labor coming from plantation areas.

¶12. Child Soldiers: Forced conscription by the ethnic separatist

Liberation Tigers of Tamil Eelam (LTTE, a U.S.-designated Foreign Terrorist Organization) and by breakaway LTTE groups known as the "Karuna" and "Pillaiyan" factions, continues to be the gravest problem facing children in Sri Lanka. Despite a commitment to release all children within their ranks, the LTTE and the Karuna faction are still recruiting children. In April 2007, UNICEF reported that it continued to receive reports on children being recruited. According to UNICEF databases, there are 1,460 outstanding cases of under-age recruitment by the LTTE as of September 2007. Of these, 306 are under the age of 18, and 1,154 were recruited when they were under 18 years but are now 18 years or older. As of 30 September, there are 211 outstanding cases of under-age recruitment by the Karuna faction. Of these, 160 are under the age of 18, and 51 were recruited while under 18 but have now passed that age. UNICEF estimates that its database reflects only a third of the actual number of children recruited. The international community, led by UNICEF, has repeatedly condemned the recruitment of child combatants by the LTTE and Karuna faction. Sri Lanka has prohibited the use of children less than 18 years in armed conflict, thereby affirming that their recruitment is a punishable crime under the law.

¶13. Child Sex Tourism: UNICEF estimates that a significant number of Sri Lankan children are drawn into prostitution every year, the majority of them boys. These children are exploited by both local people and foreign tourists. In order to combat child sex tourism, the Sri Lanka Tourist Board, the semi-government tourism promotion agency, with UNICEF support, launched a two-year action plan in mid-2006. The campaign targets tourists, children, adolescents, hoteliers and journalists through mass media and advertisements with the message that there is zero tolerance for child sex tourism. The Tourist Police is also being assisted to combat child sex tourism through this project.

New Developments

¶14. The last national survey on child labor was conducted in 1999. Child labor advocates have repeatedly stressed the need to update statistics, to take stock of the current child labor situation, and to design programs and policies to address problems identified by the survey. The US Department of Labor, through the ILO, is expected to fund a new national estimation of child labor in Sri Lanka to be completed in mid-2009. The program will include research, a national estimation of child labor in key sectors, and policy formulation.

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